

# House File 2089 - Introduced

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BY VANDER LINDEN

## A BILL FOR

1 An Act prohibiting the mistreatment of service dogs, including  
2 acts of interference or cruelty, and providing for  
3 penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 717B.1, subsection 5, Code 2018, is  
2 amended to read as follows:

3 5. "*Law enforcement officer*" means a peace officer who  
4 is a regularly employed member of a police force of a city  
5 or county, including a sheriff, who is responsible for the  
6 prevention and detection of crime and the enforcement of the  
7 criminal laws of this state.

8 Sec. 2. Section 717B.1, Code 2018, is amended by adding the  
9 following new subsections:

10 NEW SUBSECTION. 7A. "*Peace officer*" means the same as  
11 defined in section 801.4.

12 NEW SUBSECTION. 8A. "*Service dog*" means the same as defined  
13 in section 216C.11.

14 Sec. 3. NEW SECTION. 717B.10 **Interference with a service**  
15 **dog.**

16 1. A person is guilty of interference with a service dog if  
17 the person knowingly, and willfully or maliciously, torments,  
18 strikes, or administers a nonpoisonous desensitizing substance  
19 to the service dog without inflicting serious injury on the  
20 service dog.

21 2. A person who commits interference with a service dog is  
22 guilty of a serious misdemeanor.

23 3. Subsections 1 and 2 do not apply to any of the following:

24 a. A peace officer while performing an official duty.

25 b. A veterinarian licensed in this state while practicing  
26 veterinary medicine as provided in chapter 169.

27 c. A person acting in justified self-defense or the  
28 justified defense of another person or animal.

29 Sec. 4. NEW SECTION. 717B.11 **Cruelty to a service dog.**

30 1. A person is guilty of cruelty to a service dog if the  
31 person knowingly, and willfully or maliciously, does any of the  
32 following:

33 a. Tortures the service dog in a manner that causes the  
34 service dog to suffer severe physical pain.

35 b. Injures the service dog in a manner that causes the

1 service dog to suffer any of the following:

2 (1) A permanent disfigurement or disability.

3 (2) Death.

4 *c.* Sets a trap or other device for the purpose of injuring  
5 the service dog in a manner that would reasonably cause the  
6 service dog to suffer any of the following:

7 (1) A permanent disfigurement or disability.

8 (2) Death.

9 *d.* Pays or agrees to pay another person a bounty to injure  
10 the service dog which reasonably would cause the service dog  
11 to suffer any of the following:

12 (1) A permanent disfigurement or disability.

13 (2) Death.

14 *e.* Administers poison, noxious fumes, or noxious gas to the  
15 service dog.

16 2. A person who commits cruelty to a service dog is guilty  
17 of a class "D" felony.

18 3. Subsections 1 and 2 do not apply to any of the following:

19 *a.* A peace officer while performing an official duty.

20 *b.* A veterinarian licensed in this state while practicing  
21 veterinary medicine as provided in chapter 169.

22 *c.* A person acting in justified self-defense or the  
23 justified defense of another person or animal.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with  
26 the explanation's substance by the members of the general assembly.

27 GENERAL. This bill amends Code chapter 717B, which provides  
28 for offenses relating to the mistreatment of certain animals,  
29 by creating two new criminal offenses that relate to the  
30 mistreatment of a service dog, which is defined as a dog  
31 specially trained to assist a person with a disability (Code  
32 section 216C.11). The first new offense is interference with a  
33 service dog and the second new offense is cruelty to a service  
34 dog. Generally, the elements, punishments, and exceptions  
35 to each offense are similar to those in a current statute

1 that prohibits the mistreatment of a police service dog (Code  
2 section 717B.9).

3 INTERFERENCE WITH A SERVICE DOG. The first offense  
4 is committed by a person who knowingly, and willfully or  
5 maliciously, torments, strikes, or administers a nonpoisonous  
6 desensitizing substance to a service dog, without inflicting  
7 serious injury. That person is guilty of a serious  
8 misdemeanor. A number of exceptions apply including actions  
9 by a peace officer, licensed veterinarian, or person acting  
10 in justified self-defense or the justified defense of another  
11 person.

12 CRUELTY TO A SERVICE DOG. The second offense is committed  
13 by a person who knowingly, and willfully or maliciously,  
14 mistreats or plans to mistreat the service dog by torture; the  
15 infliction of an injury in a manner that permanently disfigures  
16 or disables the service dog, or that causes the service dog's  
17 death; setting a trap or paying a bounty in order to inflict  
18 the same type of injury or death; or by administering a poison,  
19 noxious fumes, or noxious gas to the service dog. A person who  
20 commits the offense is guilty of a class "D" felony. The same  
21 exceptions that apply to interference with a service dog apply  
22 to this offense.

23 BACKGROUND — CURRENT PROVISIONS. Code chapter 717B  
24 prohibits the mistreatment of certain animals, including  
25 domesticated animals other than livestock (governed under Code  
26 chapter 717). The Code chapter includes three offenses that  
27 cover the mistreatment of animals other than a police service  
28 dog including animal abuse that is punishable as an aggravated  
29 misdemeanor (Code section 717B.2); animal neglect that is  
30 punishable as a simple misdemeanor or serious misdemeanor if  
31 the mistreatment results in an animal's injury or death (Code  
32 section 717B.3); and animal torture that is punishable as an  
33 aggravated misdemeanor for the first conviction and as a class  
34 "D" felony for a subsequent conviction (Code section 717B.3A).  
35 In the case of animal torture, the person convicted must also

1 undergo a psychological evaluation and treatment according to  
2 the terms of a court order.

3     BACKGROUND — CRIMINAL PENALTIES. The Code chapter's  
4 current offenses, and the bill's two new offenses, provide  
5 for punishments as follows: (1) a simple misdemeanor is  
6 punishable by confinement for no more than 30 days or a fine of  
7 at least \$65 but not more than \$625 or by both, (2) a serious  
8 misdemeanor is punishable by confinement for no more than one  
9 year and a fine of at least \$315 but not more than \$1,875, (3)  
10 an aggravated misdemeanor is punishable by confinement for  
11 no more than two years and a fine of at least \$625 but not  
12 more than \$6,250, and (4) a class "D" felony is punishable by  
13 confinement for no more than five years and a fine of at least  
14 \$750 but not more than \$7,500.